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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/702,321	<b>Applicant(s)</b> HIRTENREITER ET AL.
	<b>Examiner</b> Allen H. Nguyen	<b>Art Unit</b> 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 July 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/06/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

- This office action is responsive to the following communication:  
Amendment filed on 07/07/2008.
- Claims 1-23 are currently pending in the application.

#### ***Response to Arguments***

1. Applicant's arguments filed 07/07/2008 have been fully considered but they are not persuasive.
2. With respect to applicants' argument that "As stated at paragraph 38 in Kloosterman, once the variable data print job is formed, the merge 14 generates a document for every record in the recipient data base 16. There is no disclosure of a static data base having a resource list or a resource list being then used for transferring the data sets. The static template is sent to a computer where the static data is going to be combined with variable data. The advantage of the invention is that the resource list ensures that all of the data sets for the static data are transferred down before the merging of the variable data. Nothing like this is set forth anywhere in Kloosterman."

In reply: Regarding claim 21, Kloosterman '726 discloses a resource administration unit (Content Objects 18, fig. 1a) that generates a resource list in which the resource data sets used by the document template are listed (i.e., a process wherein data from the recipient database 16, is combined with static content data that is contained in content objects 18 to produce the merged

PPML/VDX instance document; Page 3, paragraph [0032]);

the resource administration unit (Content Objects 18, fig. 1a) by using the resource list controls a transfer of the used resource data sets to a data processing device (i.e., the directions to the NexStation 4 describing how to print each VDP Family are contained in a data structure called a job ticket; Page 8, paragraph [0094]) in which the document template is supplemented with variable data (i.e., Instance Document for each record in the recipient database 16, plus all of the images, graphics, and text objects which usually come from a Content Database; Page 4, paragraph [0039]).

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-20 are rejected under 35 U.S.C. 101 because:

Claims 1-20 are the method or process claims, but they are neither tied to another statutory class (such as a particular machine or apparatus), nor transformed underlying subject matter (such as an article or materials) to a different state or thing.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-14, 16-18, 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kloosterman et al. (US 2003/0189726).

Regarding claim 21, Kloosterman '726 discloses a system (2, fig. 1b) for generating document templates for print jobs (See Abstract), comprising:

a generation unit (The VDP authoring application 12, fig. 1a) in which the document template is generated using static resource data (i.e., the VDP authoring application looks at one record at a time from the recipient database 16, and generates a single Instance Document by using the template containing static and variable images, graphics and text; see page 4, paragraph [0039]), whereby the static resource data are combined into addressable datasets (i.e., the graphical artist creates a template consisting of static images, graphics and text as well as variable images, graphics and text in VDP composition 12. The variable parts of the layout will have an associated set of rules that describe the

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procedures necessary to create each Instance Document; Page 4, paragraph [0033]);

a resource administration unit (Content Objects 18, fig. 1a) that generates a resource list in which the resource data sets used by the document template are listed (i.e., a process wherein data from the recipient database 16, is combined with static content data that is contained in content objects 18 to produce the merged PPML/VDX instance document; Page 3, paragraph [0032]);

the resource administration unit (Content Objects 18, fig. 1a) by using the resource list controls a transfer of the used resource data sets to a data processing device (i.e., the directions to the NexStation 4 describing how to print each VDP Family are contained in a data structure called a job ticket; Page 8, paragraph [0094]) in which the document template is supplemented with variable data (i.e., Instance Document for each record in the recipient database 16, plus all of the images, graphics, and text objects which usually come from a Content Database; Page 4, paragraph [0039]).

Regarding claim 22, Kloosterman '726 discloses the system wherein the generation unit (The VDP authoring application 12, fig. 1a) and the resource administration unit (Content Objects 18, fig. 1a) are formed via computer programs (i.e., Authoring 10 is typically performed by the graphic designer who adds variable content to static content using a utility within VDP composition 12, to add variable content to traditional static designs produced by applications such as Quark and In Design; Page 3, paragraph [0031]) that are installed on a

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common PC (i.e., the system software of the preferred embodiment supports pre-imposed views of PPML/VDX files within the network environment of the application. The system software also supports pre-imposed and imposed sheet views of PPML/VDX files within an accessible NexStation 4 environment. It is noted that The NexStation in three versions serves as the brains behind the power of the NexPress 2100. They are the NexPress Basic, the NexPress Plus and the NexPress Pro. Each is Windows 2000 based and is easily integrated into a Mac or PC network environment; Page 5, paragraph [0046]).

Regarding claim 23, Kloosterman '726 discloses a system (2, fig. 1b) for generating document templates for print jobs (See Abstract), comprising:

a generation unit (The VDP authoring application 12, fig. 1a) in which the document template is generated using static resource data (i.e., the VDP authoring application looks at one record at a time from the recipient database 16, and generates a single Instance Document by using the template containing static and variable images, graphics and text; Page 4, paragraph [0039]), whereby the static resource data are combined into addressable datasets (i.e., the graphical artist creates a template consisting of static images, graphics and text as well as variable images, graphics and text in VDP composition 12. The variable parts of the layout will have an associated set of rules that describe the procedures necessary to create each Instance Document; Page 4, paragraph [0033]);

a resource administration unit (Content Objects 18, fig. 1a) that generates

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a resource list in which the resource data sets used by the document template are listed (i.e., a process wherein data from the recipient database 16, is combined with static content data that is contained in content objects 18 to produce the merged PPML/VDX instance document; Page 3, paragraph [0032]);

the resource administration unit (The Content Objects 18, fig. 1a) by using the resource list controls a transfer of the used resource data sets to a data processing device (i.e., the directions to the NexStation 4 describing how to print each VDP Family are contained in a data structure called a job ticket; Page 8, paragraph [0094]) in which the document template is supplemented with variable data (i.e., Instance Document for each record in the recipient database 16, plus all of the images, graphics, and text objects which usually come from a Content Database; Page 4, paragraph [0039]).

Regarding claim 1, claim 1 is the method claim of device claim 21. Therefore, method claim 1 is rejected for the reason given in device claim 21.

Regarding claim 2, Kloosterman '726 discloses the method wherein the static resource data concern at least one of the following objects: fonts, forms, tables, standard texts, graphic elements, layout specifications for print pages and specifications for positioning of print pages on a recording medium (i.e., the graphical artist creates a template consisting of static images, graphics and text as well as variable images, graphics and text in VDP composition 12. The variable parts of the layout will have an associated set of rules that describe the

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procedures necessary to create each Instance Document; Page 4, paragraph [0033] and Page 3, paragraph [0031]).

Regarding claim 3, Kloosterman '726 discloses the method wherein the transfer of the resource data sets is controlled by the resource administration unit (i.e., one Instance Document for each record in the recipient database 16, plus all of the images, graphics, and text objects which usually come from a Content Database 18; Page 4, paragraph [0039]).

Regarding claim 4, Kloosterman '726 discloses the method wherein the addressable resource data sets are formed via resource files (i.e., a Static Imposition Template is selected and items are mapped within the categories to attributes of the printing device; Page 3, paragraph [0019]).

Regarding claim 5, Kloosterman '726 discloses the method wherein at least one data index (i.e., the product intent information) is arranged by the resource administration unit (16, fig. 1a) for storage of the used resource files (i.e., the prepress workflow application will draw upon the all of the product intent information including the metadata that is **stored** in the PPML/VDX job 16 as enunciated by the graphics artist using NexTreme to identify the optimal job ticket specification for printing the job; Page 3, paragraph [0031]).

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Regarding claim 6, Kloosterman '726 discloses the method wherein a community index (Create VDP Families 150, fig. 3) is arranged by the resource administration unit for resource files that are used in common by a plurality of document templates (i.e., a VDX file having a PPML portion that describes one Instance Document for each record in the recipient database 16, plus all of the images, graphics, and text objects which usually come from a Content Database; Page 4, paragraph [0039]).

Regarding claim 7, Kloosterman '726 discloses the method wherein for each used resource file that (Begin Create Derivative Job 351, fig. 5), for its part, access at least one subordinate resource file (Select VDP Sub-Job Parameters 341, fig. 5), a resource part list is generated in which a minimum of one subordinate resource file is listed (i.e., the system software provides the capability of creating new VDP Jobs as subsets of a larger Variable Data Printing Job in those instances where the operator finds it desirable for a print job to be produced as a group of separate, smaller VDP Jobs; Page 8, paragraph [0098]).

Regarding claim 8, Kloosterman '726 discloses the method wherein the resource part list is stored in a same index in which a cited resource file is located (i.e., a VDP Family is a group of Instance Documents having identical values for the set of variant parameters chosen by the prepress operator within a VDP Job; Page 6, paragraph [0053]).

Regarding claim 9, Kloosterman '726 discloses the method wherein the resource part lists are generated by the generation unit (i.e., Authoring 10 is typically performed by the graphic designer who adds variable content to static content using a utility within VDP composition 12, to add variable content to traditional static designs produced by applications; Page 3, paragraph [0031], fig. 1a).

Regarding claim 10, Kloosterman '726 discloses the method wherein such resource files that are accessed by no superordinate resource file are characterized as a main resource (i.e., the variable data comes from data in recipient databases 16 that characterize the targeted audience; Page 3, paragraph [0032]), and their resource part lists are stored for resource administration unit such that they can be found (i.e., one Instance Document for each record in the recipient database 16, plus all of the images, graphics, and text objects which usually come from a Content Database 18; Page 4, paragraph [0039]).

Regarding claim 11, Kloosterman '726 discloses the method wherein to generate the resource list, the various resource files are recursively determined starting from the main resources (i.e., during the merge process, the VDP authoring application looks at one record at a time from the recipient database 16, and generates a single Instance Document by using the template containing static and variable images, graphics and text; Page 4, paragraph [0039]), in that

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for each determined resource file the resource files subordinate to it are determined with aid of a corresponding resource part list (i.e., a process wherein data from the recipient database 16, is combined with static content data that is contained in content objects 18 to produce the merged PPML/VDX instance document; Page 3, paragraph [0032]).

Regarding claim 12, Kloosterman '726 discloses the method wherein it is noted in the resource list whether a listed resource file accesses at least one subordinate resource file (i.e., the result after merge 14 is a VDX file having a PPML portion that describes one Instance Document for each record in the recipient database 16, plus all of the images, graphics, and text objects which usually come from a Content Database; Page 4, paragraph [0039]).

Regarding claim 13, Kloosterman '726 discloses the method wherein at least one of storage addresses and paths to the listed resource files are listed in the resource list (i.e., the VDP prepress 20 displays in a clearly formatted text box for each Family, the number of Instance Documents it contains and the parameter value of each variant; Page 6, paragraph [0054]).

Regarding claim 14, Kloosterman '726 discloses the method wherein in the resource list resource files that are storage area administered by the resource administration unit are characterized as external (i.e., it is specifically

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envisioned that in other implementations that allow for a multi-file submission, the PPML may refer to PDF object in an external file; Page 12, paragraph [0132]).

Regarding claim 16, Kloosterman '726 discloses the method wherein the resource administration unit (Content Objects 18, fig. 1a) is called via a superordinate computer program (PPML/VDX, fig. 2) for at least one of to provide resource data sets (i.e., a VDX file having a PPML portion that describes one Instance Document for each record in the recipient database 16, plus all of the images, graphics, and text objects which usually come from a Content Database; Page 4, paragraph [0039]) and to transfer them to the data processing device (i.e., the system software moves the selected PPML/VDX file to the input queue of the selected NexStation 4 or other printing device; Page 12, paragraph [0134]).

Regarding claim 17, Kloosterman '726 discloses the method wherein the superordinate program is formed via a printer driver (i.e., the system supports and integrates a NexStation 4 print driver as well as a GUI 6 to launch and support a NexStation 4 print driver; Page 12, paragraph [0134]).

Regarding claim 18, Kloosterman '726 discloses the method wherein the resource data sets are provided with at least one of a version identification (Viewing a strictly PDF version of the content, page 5, paragraph [0046]) and a generation datum (i.e., standard Acrobat bookmarks for identifying Instance

Documents within Instance Documents; Page 5, paragraph [0046]), and the resource datasets are at least one of provided and transferred to the data processing device (i.e., creating templates to be used in variable data printing wherein a file is provided to a printing device containing parameters relative to a print job from which a plurality of categories are formed from parameters within the file; Page 3, paragraph [0019] by the resource administration unit (Content objects 18, fig. 1A) according to at least one of their version identification and their generation datum (i.e., a process wherein data from the recipient database 16, is combined with static content data that is contained in content objects 18 to produce the merged PPML/VDX instance document; see page 3, paragraph [0032]).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kloosterman et al. (US 2003/0189726) in view of Callender (US 2002/01119433).

Regarding claim 15, Kloosterman '726 discloses the method wherein for a framework of the transfer of the resource files to the data processing device (i.e.,

the system software moves the selected PPML/VDX file to the input queue of the selected NexStation 4 or other printing device; see page 12, paragraph [0134]).

It is noted that Kloosterman '726 does not explicitly show it is automatically checked by the resource administration unit whether all resource files of the corresponding resource list not characterized as external are actually present, and if necessary absence of such resource file is displayed.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Callender '433. In particular, Callender '433 teaches it is automatically checked by the resource administration unit (question functional units QFUs/ Library/Database, fig. 2B ) whether all resource files of the corresponding resource list (i.e., controlling the pathway an interviewee can traverse through the two dimensional tree structure of the interview based on the answers provided by the interviewee or as driven by external data; Page 3, paragraph [0031]) not characterized as external are actually present, and if necessary absence of such resource file is displayed (i.e., some pathways are disabled and others are enabled based on these factors and some answer options are displayed or hidden as is appropriate thus pruning the questionnaire template tree to fit the situation at hand thus making a dynamic, adaptive questionnaire with unlimited flexibility; Page 3, paragraph [0031]).

In view of the above, having the system of Kloosterman and then given the well-established teaching of Callender, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Kloosterman as taught by Callender to include: it is checked by the

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resource administration unit whether all resource files of the corresponding resource list not characterized as external are actually present, and if necessary absence of such resource file is displayed, since Callender stated on page 1, paragraph [0003] that such a modification would ensure a need for a system that will allow for the information collection process to be filtered, conditioned or managed according to a previously defined set of rules that are easy to create and apply but complex enough to allow for any input scenario application.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kloosterman et al. (US 2003/0189726) in view of Ohta (US 7,130,068).

Regarding claim 19, Kloosterman '726 does not explicitly show the method wherein the data processing device comprises a print server.

However, the above-mentioned claimed limitation is well known in the art as evidenced by Ohta '068. In particular, Ohta '068 teaches wherein the data processing device comprises a print server (i.e., a server 101 is connected by a network cable to the network 106. The server 101 of the present embodiment is provided with a function of storing print job information from the client computers 102, 103, 104 as a summary file; Col. 4, lines 9-12).

In view of the above, having the system of Kloosterman and then given the well-established teaching of Ohta, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Kloosterman as taught by Ohta to include: the method wherein the

data processing device comprises a print server, since Ohta stated in col. 1, lines 25-30 that such a modification would ensure there is often set a print server on the network, utilizing the operating system thereof. In such print job reservation system utilizing such print server, the printing operation is executed by transferring the print data from a client to the print server, reserving such print data in a specified area of the print server, at the same time managing, by the print server, the order of printing in the network printer designated as the output destination of the print data, and reading and transmitting the reserved print data to the network printer when the order of printing is reached.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gauthier (US 2002/0122205) discloses method of utilizing variable data fields with a page description language.

Vidyanand et al. (US 6,341,018) discloses preprocessing method for a variable data print job system.

Warmus et al. (US 5,963,968) discloses apparatus and method for controlling an electronic press to print fixed and variable information.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen H. Nguyen whose telephone number is (571)270-1229. The examiner can normally be reached on 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KING Y. POON can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Allen H. Nguyen/  
Examiner, Art Unit 2625  
/Edward L. Coles/  
Supervisory Patent Examiner, Art Unit 2625